

(c) producing means for producing condition information representing a condition in which the image signal is picked up by image pickup means on the basis of the image signal reproduced by said reproducing means.

REMARKS

A "Request And Fee For Extension Of Time" to extend the due date for responding to the Office Action by one month and a check (\$110) to cover the fee payment for such an extension are filed with this Amendment.

Independent claim 38 was finally rejected under 35 U.S.C. § 102(b) as being anticipated by Sasaki et al., U.S. Patent No. 5,034,804. The rejection is respectfully traversed and reconsideration is requested.

Independent claim 38, as amended, recites:

An image processing system, comprising:

(a) memory means for storing an image signal outputted from said image pickup means, said memory means capable of being attached to and detached from said system;

(b) reproducing means for reproducing the image signal stored by the memory means;
and

(c) producing means for producing condition information representing a condition in which the image signal is picked up by image pickup means on the basis of the image signal reproduced by said reproducing means.

The Sasaki et al. reference fails to disclose the image processing system, as claimed in amended independent claim 38.

Independent claim 38 is directed to an image processing system which recites in pertinent part producing means which is provided to produce condition information, such as white balance, on the basis of an image signal reproduced from memory means. Accordingly, it therefore enough to store only image information in the memory and it is possible to use effectively a memory medium having a fixed capacity of memorizing an image signal so that it is possible to memorize greater amounts of image signal.

The Sasaki et al. reference, however, discloses that at the time of image pickup, image data and related information, such as white balance information, are stored and at the time of reproduction, the related information is reproduced together with image data to control the image data on the basis of the related information. Thus in the camera of the reference, it is necessary to store not only image data but also accessory information in a memory medium thus resulting in the capacity of storing image data being smaller. Such does not disclose or suggest the image pickup apparatus, as claimed.

Accordingly, independent claim 38 is submitted as patentable based upon the Sasaki et al. reference failing to disclose or suggest the express content of the claim within the meaning of Section 102.

Independent claim 7 was finally rejected under 35 U.S.C. § 103 as being unpatentable over the Sasaki et al. reference in view of Kobayashi et al., U.S. Patent No. 5,274,457. The

rejection is respectfully traversed and reconsideration is requested.

Independent claim 7, as amended, recites:

An image pickup apparatus, comprising:

- (a) image pickup means;
- (b) first memory means for storing an image signal outputted from said image pickup means and condition information representing a condition in which the image signal is picked up by said image pickup means;
- (c) second memory means capable of storing the image signal with the condition information, said second memory means being detachably attached to said apparatus;
- (d) third memory means capable of storing the image signal with the condition information, said third memory means being detachably attached to said apparatus;
- (e) signal processing means for performing a predetermined processing on the image signal on the basis of the condition information; and
- (f) control means for controlling the condition information so as to be copied from said second memory means to said first memory means when said second memory means is detached from said apparatus to continue the image pickup operation, and for controlling the condition information which is copied from said second memory means and memorized in said first memory means so as to be copied to said third memory means when said third memory means is attached to said apparatus.

The Sasaki et al. reference fails to disclose or suggest the image pickup apparatus, as claimed in amended independent claim 7.

According to the image pickup apparatus as claimed in independent claim 7, in order to continue an image pickup operation, control information is copied from second memory means to first memory means when second memory means is removed from the apparatus. When third memory means is attached to the apparatus, control information copied from second memory means to first memory means is copied from first memory means to third memory means.

In contrast in the Sasaki et al. reference, if the capacity of the memory card is almost filled at the time of recording, a separate memory card is attached in order to continue recording. Although, the memory card may be stored with accessory information and this may be interpreted as accessory data being stored to a newly attached memory card (third memory means) from a frame memory (first memory means) in the apparatus, such does not disclose or suggest the image pickup apparatus, as claimed in amended independent claim 7.

Rather the transfer of accessory data to a memory card (second memory means) to a frame memory (first memory means) suggested by the Examiner, is the transfer for the purpose of reproduction of image data stored in a memory card (second memory means) by using the accessory data. In other words, the Sasaki et al. reference merely discloses that a memory card (second memory means) is attached to a reproducing device and image data stored in a memory card is read out together with accessory data and stored in the frame memory (first memory

means) in the reproducing device for the reproducing operation. Such does not disclose or suggest that data is transferred in order to continue an image pickup operation, as claimed in amended independent claim 7. Nor does the Kobayashi et al. reference disclose or suggest such content. Nor is there any suggestion to combine the references, nor even if they were combinable, as suggested, would such alleged combination disclose or suggest the image pickup apparatus, as claimed. Independent claim 7 is therefore submitted as being patentable.

Entry of this Amendment after final rejection is submitted as proper in that it places the application in condition for allowance. Particularly, the present Amendment is submitted as not raising new issues and not requiring further consideration or further searching.

Indication of the disposition of this Amendment is requested prior to the expiration of the six-month statutory period, April 29, 1997. A telephone call by the Examiner to applicants' counsel with respect to the entry of this Amendment would be appreciated.

Reliance is placed on In re Fine, 5 U.S.P.Q. 2d 1596, 1600 (Fed. Cir. 1988) and Ex parte Kochan, 131 U.S.P.Q. 204 (Bd. App. 1960) for allowance of all of the dependent claims, since they differ in scope from the parent independent claims which are submitted as patentable.

Patentability of the claims is believed to have been established. Accordingly, it is submitted that this application

is now in condition for allowance, except for the filing of formal drawings.

If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicants' counsel at (212) 682-9640.

Respectfully submitted,



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